

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNNIE WEAVER,) No. C 05-0684 MMC (PR)
Petitioner,)
v.) **ORDER OF DISMISSAL**
DON HORSLEY,)
Respondent.)

On February 15, 2005, the Court mailed petitioner a notice that he had failed to pay the filing fee or complete an application to proceed in forma pauperis. On February 22, 2005, said notice was returned to the Court as undeliverable because petitioner was not at the address he had provided to the Court in his petition. To date, the Court has received no indication from petitioner as to his correct current address. Civil Local Rule 3-11 provides for the dismissal of an action in which a pro se party fails to notify the Court of a change of address within 60 days of the date mail is returned to the Court as not deliverable. As more than 60 days have passed since the above-referenced return of petitioner's mail, and petitioner has not notified the Court of his correct current address, the above-titled action is hereby DISMISSED. The dismissal is without prejudice to petitioner's refiling his claims in a new action in which petitioner provides his correct address and keeps that address current as required by Rule 3-11.

No fee is due. All pending motions are terminated. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: May 23, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge